

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 781 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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GUNVANTRAI MAGANLAL RATHOD

Versus

STATE BANK OF SAURASHTRA

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Appearance:

None present for Petitioner

MR AS VAKIL for Respondent

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/11/98

ORAL JUDGEMENT

1. The order dated 17th May, 1995 of the Bank under which the plaintiff-petitioner was transferred from Rajkot to village Shil gave rise a cause to him to file civil suit No.764 of 1995 in the Court of Civil Judge, (J.D.), Rajkot. He filed an application Ex.5 for grant of temporary injunction. The trial court after hearing both the parties decided that application and temporary injunction as prayed for by the plaintiff-petitioner has

been granted.

2. Learned counsel for the defendant-respondent does not dispute that the plaintiff-petitioner is a handicapped person. The appeal filed against the order of learned trial court dated 20-6-1995 has been allowed and the temporary injunction order passed in favour of the plaintiff-petitioner has been vacated. Hence, this civil revision application before this Court.

3. This court after hearing the learned counsel for the parties passed a detailed order on 9th May, 1996 and considered it to be a fit case to grant interim relief in terms of para-5(C). Para-5(C) of the revision application reads as under:

5(C) During the pendency and final disposal of this Revision Application the Hon'ble Court be pleased to issue an order of Injunction restraining the respondent- Bank from operating, implementing or executing the order of transfer dtd. 17-5-1995 any further and be pleased to direct the respondent Bank to allow the petitioner to discharge his duties at Rajkot.

4. So for all these years, the transfer order of the plaintiff-petitioner dated 17th May, 1995 was not given effect to.

5. In the peculiar facts of this case, I consider that the interest of justice will be met in case this revision application is disposed of in the terms that the interim relief which has been granted by this Court on 9th May, 1996 shall continue till the decision of the suit. Learned trial court is directed to decide the suit within a period of four months from the date of receipt of writ of this order. The civil revision application and Rule stand disposed of accordingly with no order as to costs.

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